

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

FRANCISCO VILLEGAS, :
Petitioner, : Civil Action No. 12-4457 (RMB)
: :
v. : O R D E R
: :
CHARLIE WARREN, et al., :
: :
Respondents. : :
:

IT APPEARS THAT:

1. Petitioner filed the instant Petition for Writ of Habeas Corpus, pursuant to 28 U.S.C. § 2254. On September 25, 2012, a Mason order was sent to Petitioner (docket entry 4). Petitioner has not yet responded to the Mason order.

2. On September 26, 2012, Petitioner filed a motion for default judgment against Respondents for failing to answer the petition (docket entry 5). However, Respondents have not yet been ordered to answer the petition. In fact, this Court is awaiting Petitioner's response to the Mason order (docket entry 4), which is a procedural step required by the Court of Appeals for the Third Circuit, that precedes the issuance of an Order to Answer.

3. Further, this Court notes that the Rules Governing § 2254 Petitions, Rule 5(a) states: "The respondent is not required to answer the petition unless a judge so orders."

Based on foregoing,

IT IS on this 17th day of October 2012,

ORDERED that Petitioner's motion for default (docket entry
5) is hereby denied.

s/Renée Marie Bumb

RENÉE MARIE BUMB

United States District Judge